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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 09/605,799  | 06/28/2000  | Oleg B. Rashkovskiy  | INTL-0413-US (P8908)      | 6037             |
| 7590  | 05/04/2004  |                      |                           |                  |
| Blakely Sokoloff Taylor & Zafman, LLP<br>1279 Oakmead Parkway<br>Sunnyvale, CA 94085-4040 |             |                      | EXAMINER<br>CHIEU, PO LIN |                  |
|   |             |                      | ART UNIT<br>2615          | PAPER NUMBER     |

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/605,799

Applicant(s)

RASHKOVSKIY ET AL.

Examiner

Polin Chieu

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-13, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al (6,177,931).

Regarding claims 1, 8, and 15, Alexander et al discloses providing a graphical user interface (GUI) indicating a season premiere episode of a season series of a television program (figs. 10A and 10B); and in response to the selection of the episode through the interface (fig 10 A and 10B), automatically recording the season series (col. 21, lines 39-54).

Regarding claims 2, 9, and 16, Alexander et al discloses providing an electronic program guide (EPG, fig. 1).

Regarding claims 3, 10, and 18, Alexander et al discloses providing a GUI displaying a plurality of upcoming season premiere episodes (figs. 10A and 10B).

Regarding claims 4, 11, and 19, Alexander et al discloses enabling the user to select the episode to automatically time to all of the programs in the season series (col. 21, lines 39-54).

Regarding claims 5 and 12, Alexander et al discloses storing information about the season series in a database (col. 18, lines 1-12).

Regarding claims 6, 13, and 20, Alexander et al discloses acquiring information about the season series over the internet (col. 8, lines 1-12).

Regarding claim 17, Alexander et al discloses an interface coupled to the processor for wireless communications (col. 4, lines 20-45), the system further including a remote control unit that communicates with the interface (col. 3, lines 21-35).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al in view of Naimpally (6,020,880).

Regarding claims 7 and 14, Alexander et al does not disclose automatically acquiring a schedule for the season series over the internet.

Naimpally teaches acquiring program data over the internet. Alexander et al discloses automatically tuning or recording a season series, as discussed previously. To perform the automatic tuning or recording the scheduling data of the series is needed.

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It would have been highly desirable to have scheduling data acquired over the internet so that the automatic tuning or recording function could identify future times that another program in the series is to be recorded or watched.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have the season series information acquired over the internet in the device of Alexander et al.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lawler et al, Wood et al, and Okura et al disclose EPGs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

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Washington, D.C. 20231

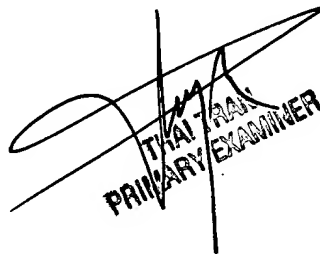
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PC  
April 24, 2004

  
TIAI TAA  
PRIMARY EXAMINER